

REMARKS

Summary Of The Office Action & Formalities

Status of Claims

Claims 1-11 are all the claims pending in the application. By this Amendment, Applicant is canceling claim 9, amending claims 1-8, 10 and 11, and adding new claims 12-15. No new matter is added.

Claim to Foreign Priority

Applicant thanks the Examiner for acknowledging the claim to foreign priority and for confirming that the certified copy of the priority document was received.

Information Disclosure Statement

Applicant also thanks the Examiner for initialing the references listed on form PTO/SB/08 submitted with the Information Disclosure Statement filed on August 8, 2006.

Drawings

Again, Applicant thanks the Examiner for acknowledging and accepting the drawings filed on August 8, 2006.

Specification

The disclosure is objected to at page 2 of the Office Action because section headings have been omitted. Applicant is amending the disclosure to overcome this objection.

Claim Objections

Claims 5 and 6 are objected to at page 2 of the Office Action because in line 2, "ring" should be -fastener ring- for consistency with the other claims. Applicant is amending the claims to overcome this objection.

Claim Rejections - § 112

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 7, the phrase “such as” renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Office Action at page 2.

Applicant is amending the claims to overcome this rejection.

Art Rejections

Claims 1-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Corsette et al. (US 3,248,021, “Corsette”).

Applicant respectfully traverses.

Claim Rejections - 35 U.S.C. § 102

Claims 1-11 In View Of Corsette et al. (US 3,248,021, “Corsette”).

In rejecting claims 1-11 in view of Corsette et al. (US 3,248,021, “Corsette”), the grounds of rejection state:

In Reference to Claims 1 and 7

In Figs. 1, 4 and col. 2, lines 43-64, Corsette teaches of a fastener ring (14) connecting a dispenser member (dispenser (pump)) to a neck (26) of a receptacle (container), the fastener ring having a deformable sealing means (V-shaped groove 75) cooperating with the neck in a leak-tight manner (col. 2, line 64), the sealing means comprising two deformable lips (outer and inner walls defining groove 75).

In Reference to Claims 2, 3, 4, 8, and 11

The lips (outer and inner walls defining groove 75) are: elastically deformable (flex; col. 2, lines 53 and 63), made integrally with the fastening ring (cast integrally; col. 2, lines 40-41), injection molded with the fastening ring (injection molding operation; col. 2 lines 42-43), fasten the dispenser in a leak tight manner to the receptacle (effect a seal; col. 2, lines 44-47), and compensates for dimensional variations in the neck of the receptacle (col. 2, lines 59-64).

In Reference to Claim 5

A snap fastener means (protuberance 22) includes a contact surface that cooperates with a shoulder surface (annular rib 25) (col. 2, lines 29-33).

In Reference to Claim 6

The fastener ring (14) is made integrally with a turret (skirt 85) and with a ferrule (annular lip 92) defining a rest position of the dispenser member (35).

In Reference to Claims 9-10

The neck (26) has an axially projecting portion (lip of the container neck; col. 2, lines 43-37) cooperating with the sealing means (75). In Fig. 1, the lip can be seen having a rounded edge profile cooperating with the outer and inner walls defining the sealing means (groove 75) forming a leak-tight contact zone sloping at least in part.

Office Action at pages 3-4.

Applicant has amended claim 1 to include features similar to those recited in claim 9. Corsette fails to disclose these features, including the axially projecting portion on the neck positioned between the two deformable lips of the sealing means.

Corsette clearly does not disclose any axially projecting portion. Further, even if, *arguendo*, one were to consider the upper annular rib 25 of the neck as being an axial projection, it is not positioned between the two deformable lips of the sealing means.

In view of at least the foregoing distinctions, the Examiner is requested to reconsider and allow the claims.

New Claims

For additional claim coverage merited by the scope of the invention, Applicant is adding new claims 12-15, which are believe to be allowable for at least reasons similar to those discussed above.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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